

IN THE SENATE OF THE UNITED STATES.

JUNE 4, 1858.—Ordered to be printed.

Mr. JOHNSON, of Arkansas, made the following

REPORT.

[To accompany Bill S. 434.]

The Committee on Public Lands, to whom was referred the petition of Theresa Dardenne, praying indemnity for losses sustained in consequence of an erroneous sale of land by the land officers at Little Rock, to her late husband, Abraham Dardenne, report:

It appears on record in the General Land Office, that Abraham Dardenne entered at the land office at Little Rock, Arkansas, on the 30th of January, 1836, the north part of the northwest fractional quarter, (east of Arkansas river,) of section six, in township five south, of range nine west, containing 43.14 acres, as per certificate of purchase No. 1133; also the northeast fractional quarter of the same section, containing 159.45 acres, as per certificate of purchase No. 1132; that some eleven years subsequent to the date of said entries it was discovered that said tracts of land were covered by donation certificate No. 107, dated May 19, 1830, (claim No. 145,) in the name of the heirs of Aaron Hanscom, which claim was reported to the General Land Office "to be good" by a special agent of that office, in his report of November 21, 1837, and consequently a patent issued thereon; and in 1847, ten years after said report of the special agent, the register and receiver at Little Rock were instructed to advise Mr. Dardenne of the illegality of his said entries. It further appears of record that the purchase-money, amounting to the sum of \$253 23 $\frac{1}{4}$, still remains in the treasury of the United States.

The affidavit of the petitioner, widow of the late Abraham Dardenne, sets forth that herself, husband, and children labored hard to improve and reduce to a state of cultivation the aforementioned lands for, the term of eleven years, believing their title to the same was perfect; and that during said term of years her husband was repeatedly offered \$5,000 for said premises, but refused the same, preferring his home to money. It further appears in evidence that the petitioner, with her five children, (who were dependent upon her for support,) were ejected by force of law from said premises on the first day of January, 1851, and that herself and children are homeless and in a state of destitu-

tion ; and this, her present deplorable situation, having been brought about solely by the errors of the United States land officers.

As a summary, your committee state that Abraham Dardenne, deceased, bought from and paid the United States for land to which the United States had no title, having already sold it. That the United States still holds the purchase-money of said Dardenne, amounting to \$253 23, and has held the same over *twenty-one years*. That for *eleven years* said Dardenne was suffered to hold and improve said land without notice that he had no title, notwithstanding the Commissioner of the General Land Office confirmed the claim of Aaron Hanscom's heirs in 1837, one year after said Dardenne made his entry, but which fact was not communicated to Dardenne until 1847, being ten years after said confirmation was made. That said Dardenne continued to reside on said land, refusing to give it up, until his death, and his family after him till January 1, 1851, when the widow and her children, resisting in the courts, were ejected by force of law. That they are poor, and the children, five in number, dependent on the mother. That they have not only lost the use of their money, but the interest for over twenty-one years ; and not only lost the land, but all the improvements, which, with their own labor and humble means, they had expended on it for fifteen years of continuous occupation, which had greatly enhanced its value ; that to refund now only the purchase-money would be a gross wrong ; that to refund it with interest would be palpably unjust, in the loss of all their labor and improvements, and the increased value of the land. That all lands of similar value on the banks of the Arkansas river are now entered and out of the reach of the petitioner. That authority, to enter, in full satisfaction, six hundred and forty acres of land, subject to private entry, seems to the committee the nearest approach to justice ; and yet they are aware that, in many respects, it fails to repay a family now thrown upon the world and made destitute by *errors* in which they had no agency.

The committee make a part of this report the accompanying letter of the Commissioner of the General Land Office, dated January 26, 1854.

GENERAL LAND OFFICE,
January 26, 1854.

SIR: I have the honor to acknowledge the receipt of the petition and accompanying papers of Theresa Dardenne, widow of Abraham Dardenne, praying Congress to indemnify her for losses sustained on account of an erroneous sale of lands made to the said Abraham by the land officers at Little Rock, Arkansas, which papers were referred by you to this office on the 21st inst.

In reply, I have to state, that it appears from the records of this office that Abraham Dardenne entered at the land office at Little Rock, Arkansas, on the 30th January, 1836, the north part of the northwest fractional quarter (east of Arkansas river) of section 6, in township 5 south, of range 9 west, containing 43.14 acres, per certificate of purchase No. 1133 ; also the northeast fractional quarter of same section, township, and range, containing 159.45 acres, per certificate of purchase No. 1132 ; that some time subsequent to the date of said en-

tries it was discovered that the same were illegal, for the reason that the said tracts of land were covered by donation certificate No. 107, dated May 19, 1830, (claim No. 145,) in the name of the heirs of Aaron Hanscom, which claim was reported to this office "to be good" by the special agent, in his report of 21st November, 1837, and, consequently, a patent issued thereon. And the register and receiver at Little Rock, in a letter from this office dated the 30th November, 1847, were instructed to advise Mr. Dardenne of the illegality of his said entries, in order that he might make application for the refunding of the purchase-money paid thereon. Such being the facts in the case, this office has no power to afford relief further than to recommend the return of the purchase-money paid on said entries, which, from the examination made, does not appear ever to have been done, and to which Mrs. Dardenne would appear to be entitled, upon application being made in due form.

The case, as recited in the petition, appears to be one of peculiar hardship; and you have the warmest wishes of this office for the success of any efforts you may make in behalf of the destitute widow and orphans. The papers are herewith returned to you.

Very respectfully, your obedient servant;

JOHN WILSON,
Commissioner.

Hon. R. W. JOHNSON,
United States Senate.

The committee report the accompanying bill, and recommend its passage.

MEMORANDUM

1. The following information was obtained from a review of the files of the Department of the Interior, Bureau of Land Management, regarding the land grant to the State of California for the purpose of establishing a State Land Office. The grant was made by the Act of March 3, 1891, and was for the purpose of enabling the State to purchase land for the establishment of a State Land Office. The grant was for the sum of \$100,000, and was to be paid in installments of \$20,000 per year for five years. The grant was made to the State of California, and was for the purpose of enabling the State to purchase land for the establishment of a State Land Office. The grant was for the sum of \$100,000, and was to be paid in installments of \$20,000 per year for five years. The grant was made to the State of California, and was for the purpose of enabling the State to purchase land for the establishment of a State Land Office.

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